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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,585	10/23/2001	Mark A. Kirkpatrick	60027.0071US01	4842

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,585

Applicant(s)

KIRKPATRICK, MARK A.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schornack (US 5,946,616 “cited in IDS”).

Referring to Claim 1, Schornack teaches an apparatus for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

a wireless radio operative 204 (fig. 5) to communicate with said wireless telephone network over a wireless communication link;

a wired telephone interface 208 (fig. 5) electrically coupled to said one or more wired telephones; and

a controller, said controller operative to:

detect an incoming telephone call at said wireless radio (see 440 of fig. 5),

provide a ring signal through said wired telephone interface operative to ring said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7), and

in response to determining that a one of said one or more wired telephones has been placed in a off hook state, to establish a communications

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channel between said wired telephone interface and said wireless radio, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

Referring to Claim 6, Schornack teaches a method for providing a gateway between a wired telephone and a wireless telephone network, comprising:

detecting an incoming wireless telephone call over said wireless telephone network (see 440 of fig. 5);

providing a ring signal to said wired telephone in response to detecting said incoming call (see col. 5, lines 2-7);

determining whether said wired telephone has been placed in an off hook state in response to said ring signal (see col. 4, lines 59-60); and

in response to determining that said wired telephone has been placed in an off hook state, converting said incoming wireless telephone call to a format compatible with said wired telephone and converting signals received at said wired telephone to a format compatible with said wireless telephone network, thereby permitting said incoming telephone call to be received and conducted on said wired telephone (see col. 4, lines 59-63).

Referring to Claim 11, Schornack teaches an apparatus for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

a wireless radio operative 204 (fig. 5) to communicate with said wireless telephone network over a wireless communication link;

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a wired telephone interface 208 (fig. 5) electrically coupled to said one or more wired telephones;

a wired telephone interface 208 (fig. 5) electrically coupled to a wired telephone network;

a current source 410 (fig. 5); and

a controller operative to determine whether a connection between said one or more wired telephones and said wired telephone network is operative (see col. 2, lines 63-65) and, in response to determining that said connection between said one or more wired telephones and said wired network is inoperative, said controller further operative to:

cause said current source to deliver an electrical current to said one or more wired telephones compatible with POTS service (see col. 2, lines 66-67 and col. 3, lines 1-2);

detect an incoming call at said wireless radio (see 440 of fig. 5);

provide a ring signal through said wired telephone interface operative to ring said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7); and

in response to determining that a one of said one or more wired telephones has been placed in an off hook state, said controller operative to establish a communications channel between said wired telephone interface and said wireless radio, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

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Referring to Claim 15, Schornack teaches a method for providing a gateway between one or more wired telephones and a wireless telephone network, comprising:

determining whether a connection between said one or more wired telephones and a wired telephone network is operative (see col. 2, lines 63-65);

in response to determining that said connection between said one or more wired telephones and said wired network is inoperative,

delivering an electrical current to said one or more wired telephones compatible with POTS service (see col. 2, lines 66-67 and col. 3, lines 1-2);

detecting an incoming telephone call at a wireless radio (see 440 of fig. 5);

providing a ring signal to said one or more wired telephones in response to detecting said incoming telephone call (see col. 5, lines 2-7); and

in response to determining that a one of said one or more wired telephones has been placed in an off hook state, establishing a communications channel between said one or more wired telephones and said wireless telephone network, thereby permitting said incoming telephone call to be received on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-63).

Referring to Claim 19, Schornack teaches a computer-controlled apparatus for providing a gateway between a wired home telephone network and a wireless telephone network, said apparatus operative to:

provide a first mode of operation in which said apparatus is operative to monitor an operational status of a wired telephone network and to route a telephone call made from said wired home telephone network through said

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wireless telephone network in response to determining that said wired telephone network is not operational (see col. 2, lines 63-67 and col. 3, lines 1-2); and

provide a second mode of operation in which said apparatus is operative to monitor an operational status of said wireless telephone network and to route a telephone call made from said wired home telephone network through said wired telephone network in response to determining that said wireless telephone network is not operational (see col. 2, lines 63-67 and col. 3, lines 1-2 noting that this can apply both ways as shown in col. 2, lines 56-63).

Referring to Claims 2, 12, and 16, Schornack also teaches determining whether one of said one or more wired telephones has been placed in an off hook state (see col. 4, lines 59-60);

collecting one or more dialed digits from said one of said one or more wired telephones placed in an off hook state (see col. 4, lines 62-67);

instructing said wireless radio to establish an outgoing telephone call over said wireless telephone network utilizing said dialed digits (see col. 4, lines 49-50); and

to establish a communications channel between said wired telephone interface and said wireless radio, thereby permitting said outgoing telephone call to be placed on said one of said wired telephones placed in an off hook state (see col. 4, lines 59-67).

Referring to Claim 3, Schornack also teaches delivering an electrical current to said one or more wired telephones compatible with POTS service (see 410 of fig. 5).

Referring to Claims 4, 8, 13, and 17, Schornack also teaches said wired telephone interface operative to deliver a dial tone signal to said one or more wired telephones in response to determining that a one of said one or more wired telephones has been placed in an off hook state (see col. 6, lines 12-15).

Referring to Claims 5, 9, and 14, Schornack also teaches determining whether said wireless communications link exists between said wireless radio and said wireless telephone network (see col. 2, lines 63-65); and

in response to determining that said wireless communications link does not exist, to electrically connect said wired telephone interface and said wired network interface, thereby electrically connecting said one or more wired telephones to said wired telephone network so that telephone calls placed on said one or more wired telephones will be placed over said wired telephone network (see col. 2, lines 66-67 and col. 3, lines 1-2).

Referring to Claim 7, Schornack also teaches delivering an electrical current to said wired telephone compatible with POTS service (see 410 of fig. 5);

determining if said wired telephone has been placed in an off hook state (see col. 4, lines 59-60);

in response to determining that said wired telephone has been placed in an off hook state, receiving one or more dialed digits from said wired telephone (see col. 4, lines 62-67);

placing an outgoing wireless telephone call over said wireless telephone network using said dialed digits (see col. 4, lines 49-50); and

converting signals associated with said outgoing wireless telephone call to a format compatible with said wired telephone and converting signals received at said wired telephone to a format compatible with said wireless telephone network, thereby permitting said outgoing telephone call to be placed and conducted on said wired telephone (see col. 4, lines 59-63).

Referring to Claims 10 and 18, Schornack also teaches determining whether a valid communications link has been reestablished over said wireless telephone network (see "Cel Alert" in Table 1 in col. 5); and

in response to determining that a valid communications link has been reestablished over said wireless telephone network, electrically disconnecting said wired telephone from said wired telephone network (see "Cel Code" in Table 1 in col. 5).

Referring to Claim 20, Schornack also teaches the first or second modes selected as a mode of operation for said computer-controlled apparatus, and wherein said mode of operation is selected based upon a user-specified schedule (see col. 4, lines 59-67).

Referring to Claim 21, Schornack also teaches the first or second modes selected as a mode of operation for said computer-controlled apparatus, and wherein said mode of operation is selected based upon dialed digits collected from a wired telephone connected to said wired home telephone network (see col. 4, lines 49-50).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2682

EY
July 22, 2003


Lee Nguyen
Primary Examiner